

Serial No. 10/754,923
Terminal Disclaimer

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
UNITED STATES

Statement Under 37 C.F.R. 3.73(b)

Identification of Person Making This Disclaimer

I, Martin A. Hay, Registration No. 39,459, am agent of record in this application. In that capacity, I am authorized to sign this disclaimer on behalf of the assignee owning all of the interest in this application.

Identity of Assignee

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285

Extent of Interest

The extent of Eli Lilly and Company's interest is in the whole of this invention.

Recordal of Assignment in PTO

The assignments of the inventors' entire right, title and interest in the application to Eli Lilly and Company have been recorded at the PTO as follows:-

Assignment of the interests of:-

LIEBESCHUETZ, John Walter
MURRAY, Christopher William
YOUNG, Stephen Clinton

Serial No. 10/754,923
Terminal Disclaimer

CAMP, Nicholas Paul
JONES, Stuart Donald
WYLIE, William Alexander

To:-

Protherics Molecular Design Limited,
Lyme Green Business Park,
Beechfield House,
Macclesfield, Cheshire
United Kingdom

on 02/04/2002, Reel 012780, Frame 0126;

Assignment of the interest of:-

Protherics Molecular Design Limited

To:-

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285

on 02/04/2002, Reel 012780, Frame 0677; and

Assignment to:-

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285

of the interests of :-

MASTERS, John Joseph on 02/04/2002, Reel 012780,
Frame 0652;

Serial No. 10/754,923
Terminal Disclaimer

WILEY, Michael Robert on 02/04/2002, Reel 012780,
Frame 0916;

SHEEHAN, Scott Martin on 02/04/2002, Reel 012780,
Frame 0684;

ENGEL, David Birenbaum on 02/04/2002, Reel 012780,
Frame 0710;

WATSON, Brian Morgan on 02/04/2002, Reel 012780,
Frame 0737;

GUZZO, Peter Robert on 02/04/2002, Reel 012780,
Frame 0671;

MAYER, Michael John on 02/04/2002, Reel 012780,
Frame 0759;

Serial No. 10/754,923
Terminal Disclaimer

Terminal Disclaimer Under 37 C.F.R. 1.321(c)

The owner (assignee) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/030,187, filed on February 4, 2002, as such term is defined in 35 U.S.C. 154, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Serial No. 10/754,923
Terminal Disclaimer

Fee Payment

Please charge \$130.00, the fee set forth in 37 C.F.R. 1.20(d), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to deposit account number 50-1230 in the name of Martin A. Hay & Co. The Commissioner is further authorized to charge any underpayment or refund any overpayment of this fee to this deposit account.

Signed on behalf of:
ELI LILLY AND COMPANY


Hay, Martin Alexander
Agent for Assignee/Applicants
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